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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,143

11/15/2003

James A. Napier

000129-0001

2369

7590

07/12/2007

Tony D. Alexander  
TECHNOLOGY LEGAL COUNSEL LLC  
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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

07/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/714,143

**Applicant(s)**

NAPIER, JAMES A.

**Examiner**

Chapman E. Jeanette

**Art Unit**

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 41-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: patent copy w/ANNOTATIONS

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 41-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

claim 41-47 and 52-68

The text, "...and further having a portion defining a pliant, the releasable aperture comprising..." on the third and fourth line of claim 63 has no clear meaning.

The restraining and support members lack a proper antecedent basis in the specification. Though one is able to glean what is intended, the text used in the specification should be consistent with that in the claims. Indeed it is very unclear as to which elements make up the restraining member and which make up the support member(s) and how the two distinct one from another.

For claims 48-51:

it is very unclear what is being claimed the combination of the tent/adapter or just the subcombination of the adapter

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 48 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Royal (2658439).

Royal discloses an adapter comprising

1. A flange having a front and a back; see annotations on patent copy
2. A boot having first and second ends defining a longitudinal aperture extending therebetween
3. The boot is affixed at its first end approx perpendicularly to the flange; the criticality and significance has not been shown; it is important to have the boot firmly attached to the flange as shown by Royal
4. The boot is capable of attaching to a tent with a window.
5. The boot is made of a flexible material thus could be constructed of any flexible material such as polymer, vinyl, nylon cotton, leather and combinations thereof; the selection of material has been considered a matter of choice; one of ordinary skill in the art would have appreciated making the adapter of any suitable material enabling the intended function of the device.

Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Royal (2658439) in view of Bishop.

Bishop discloses a tent adapter having a flange 39 having a front and a back; a portion which is securable to a tent; a boot 33 having first and second ends defining a

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longitudinally extending aperture there between; the bottom 33 is affixable at the first end perpendicularly to the flange 39 affixing a climate control unit to the tent; the second end 35/37 of the boot includes an elastic edge /restraining member; see column 2, lines 1-32; the second end has a closure/restraining member for closing the aperture at the second end; the support member 33 is made adjustable by the elastic/drawstring at the second, holding the climate control unit at a predetermined distance in relation to the dwelling.

In view of the above, it would have been obvious to one of ordinary skill in the art to modify Royal to include the elastic edge to conform the adapter around the units G/4/5/K.

The indication of allowable subject matter for claims 41-47 and 52-68 is being held in abeyance until amendments to the specification/claims has been made.

All arguments are moot in view of the new ground of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E. Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00, every fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD CHILCOT can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JEANETTE CHAPMAN  
PRIMARY PATENT EXAMINER  
ART UNIT 3635

Nov. 10, 1953

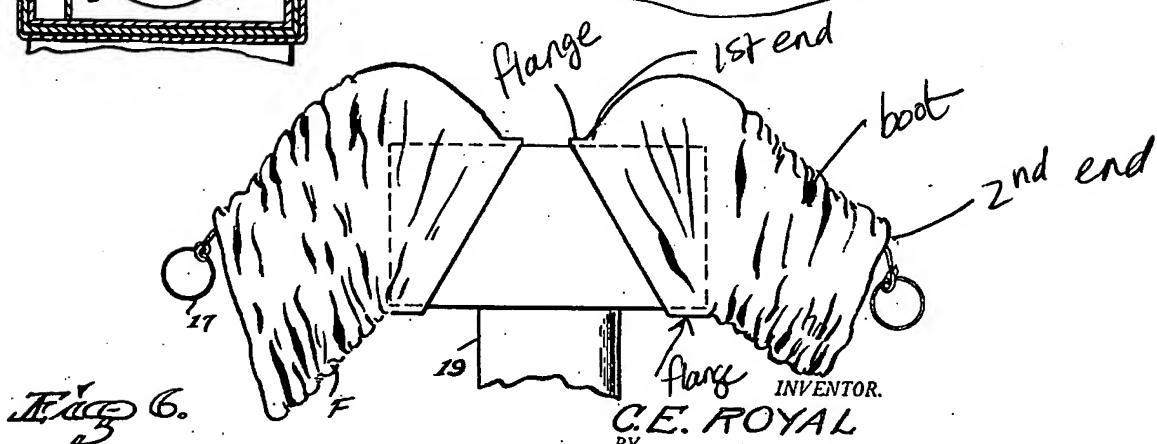
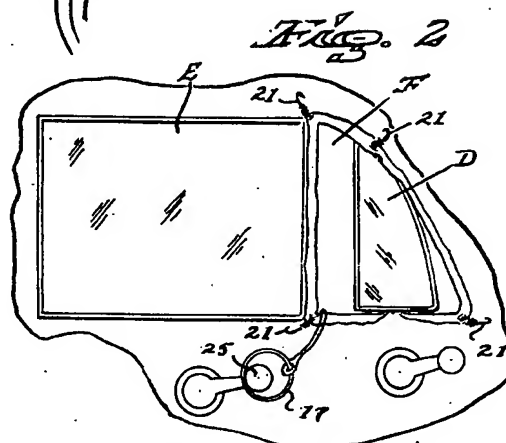
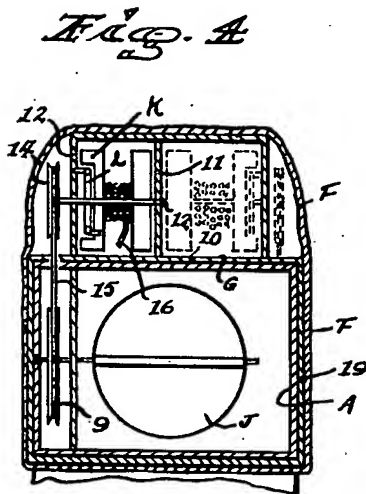
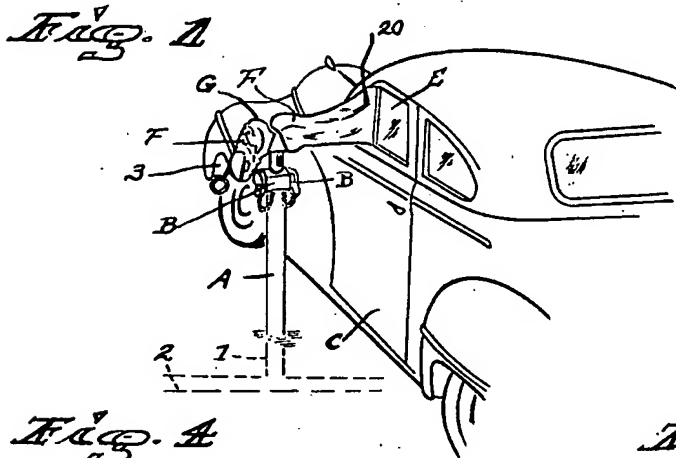
C. E. ROYAL

2,658,439

AIR CONDITIONING OF PARKED VEHICLES

Filed May 20, 1948

2 Sheets-Sheet 1



*Fig. 5*

INVENTOR.  
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BY  
Pattison, Wright & Pattison  
ATTORNEYS

PATENT COPY W/ANNOTATIONS